

IN RE: PETITION FOR VARIANCE
S/S Glenwood Road, 350' W of
the c/l of Oakdean Road
(3515 Glenwood Road)
15th Election District
5th Councilmanic District
Richard G. Smith, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-284-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Richard G. and Janis A. Smith. The Petitioners request relief from Section 1B02.3.C to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed family room addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It should be noted that this property is located within the Chesapeake Bay Critical Areas on Frog Mortar Creek and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) in order to comply with Critical Areas legislation. The Petitioners are required to submit a findings plan for review and approval by DEPRM prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of April, 1993 that the Petition for Administrative Variance requesting relief from Section 1B02.3.C to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet for a proposed family room addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with any recommendations made by DEPRM upon completion of their review of this proposal. The Petitioners shall submit a findings plan for review and approval by DEPRM prior to the issuance of any permits.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 4/5/93
By [Signature]

TMK:bjs

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 5, 1993

Mr. & Mrs. Richard G. Smith
3515 Glenwood Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Glenwood Road, 350' W of the c/l of Oakdean Road
(3515 Glenwood Road)
15th Election District - 5th Councilmanic District
Richard J. Smith, et ux - Petitioners
Case No. 93-284-A

Dear Mr. & Mrs. Smith:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

[Signature]



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3515 Glenwood Road, Baltimore, Md 21220
which is presently zoned DP 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3C to permit a side yard setback of 5' 0" in lieu of the required 10' for the proposed family room of the Zoning Regulations of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To give us usable space. The existing room is only nine feet wide.

Property is to be posted and advertised as proscribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zip Code
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip Code
Name Address and phone number of legal owner, contract purchaser or representative to be contacted
Name Address and phone number of legal owner, contract purchaser or representative to be contacted
Name Address and phone number of legal owner, contract purchaser or representative to be contacted

A Public Hearing having been requested and/or held in accordance with the provisions of the Zoning Regulations of Baltimore County, the undersigned hereby certifies that the facts stated in this petition are true and correct to the best of his/her knowledge and belief.

REVIEWED BY: P.T. DATE: 3-1-93
TERMINATED POSTING DATE: 3-21-93
Zoning Commissioner of Baltimore County
ITEM #: 294

ORDER RECEIVED FOR FILING
Date 4/5/93
By [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 3515 Glenwood Road
Baltimore, Maryland 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

To give us usable space. The existing room is only 9' wide.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Richard G. Smith
Richard G. Smith
Janis Ann Smith
Janis Ann Smith

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of February, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appearing

Richard G. Smith and Janis Ann Smith

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the nature and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/18/93

My Commission Expires July, 1995

Estelle R. Zellis
Estelle R. Zellis

EXAMPLE 9 - Zoning Description

When copies are required. Copies of same cannot be used in place of this description. This form shall be filled in format provided whenever possible; otherwise, type print on 8 1/2" x 11" size.

ZONING DESCRIPTION FOR 3515 Glenwood Rd, Baltimore, Md
Election District 15 Councilmanic District 5

Beginning at a point on the SOUTH side of GLENWOOD RD
(north, south, east or west)

which is 35' N/W
(number of feet or right-of-way width)

wide at a distance of 350' WEST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street OAKDEAN RD
(name of street)

which is 35' wide. "Being lot # 1"
(number of feet or right-of-way width)

Block GLB 74, Section # 102 in the subdivision of
(SUBD OF LOT 21) "GLENWOOD" as recorded in Baltimore County Plat
(name of subdivision)

Book GLB 74, Folio 102, containing
22,400 sq feet .251 acres
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Plat Book and Subdivision description as shown. Instead state: "As recorded in deed Liber 1010, Folio 102" and include the measurements and directions (bearing and distance only) hereon on the plat in the correct location.

Example of meters and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 01' 00" E. 87.2 ft., S.62° 10' 00" W. 118 ft., and N.08° 15' 22" W. 80 ft., to the place of beginning.

ITEM #294

7

93-284-A
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 131083
DATE March 6, 1993 ACCOUNT R-001-6150
AMOUNT \$ 85.00
RECEIVED FROM Janis Smith
FOR Adm. Hearing
BALANCE DUE \$ 0.00
VALIDATION OR SIGNATURE OF CASHIER
DATE 3/1/93 TIME 1:00 PM YELLOW - CUSTOMER

receipt

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

PAID PER HAND-WRITTEN RECEIPT DATED 3/1/93

3/01/93 H9300294

PUBLIC HEARINGS FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: SMITH
Please Make Checks Payable To: Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12-24 Date of Posting 3/1/93
Posted for: Variance
Petitioner: Richard & Janis Smith
Location of property: 3515 Glenwood Rd, Baltimore, Md
Location of Sign: Along the driveway leading to the property
Remarks: None
Posted by: [Signature] Date of return: 3/12/93
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 5, 1993 (410) 887-3353

Richard Gerry Smith and Janis Ann Smith
3515 Glenwood Road
Baltimore, Maryland 21220

Re: CASE NUMBER: 93-294-A (Item 294)
S/S Glenwood Road, 350' +/- W of c/l Oakdale Road
3515 Glenwood Road
15th Election District - 5th Councilmanic
Petitioner(s): Richard Gerry Smith and Janis Ann Smith

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before March 14, 1993. The closing date (March 29, 1992) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon
Director

Maryland Department of Transportation
State Highway Administration

3/6/93

3-3-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. # 294 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 563-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 11, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 294.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: [Signature]

PK/JL:lw

294.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: March 18, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #294
Smith (Richard Gerry) Prop., 3515 Glenwood Road
Zoning Advisory Committee Meeting of 3/8/93

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for this development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

Owner must make corrections to the septic system to eliminate the surface failure (laundry waste) prior to approval of any building permits at this property.

JLP:rmp

c: Thomas Ernst
Wesley Wood
Michael Cook
Keith Kelley

ZON.294/DCRMP

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

MARCH 16, 1993 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD GERRY SMITH AND JANIS ANN SMITH

Location: #3515 GLENWOOD ROAD

Item No.: * 294(RT) Zoning Agenda: MARCH 8, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

JF/KEH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: April 29, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 294
Smith Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 3515 Glenwood Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Richard and Janis Smith

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3C of the Baltimore County Zoning Regulations to permit a side yard setback of 5 feet in lieu of the required 10 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.01.0>.

RECEIVED
APR 30 1993
ZADM

Mr. Arnold E. Jablon
April 29, 1993
Page 2

REGULATIONS AND FINDINGS

1. **Regulation:** "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

2. **Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Policy: "Redevelopment - if less than a 100 foot buffer exists, the buffer is established from the limit of existing permitted disturbance to the shoreline." <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>

Finding: This property is adjacent to the tidal waters of Frog Mortar Creek. The existing house and the proposed additions are approximately 95 feet from mean high water allowing a buffer of approximately 95 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.

3. **Regulation:** "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Policy: "If permitted development on a property currently exceeds the 15% impervious surface limit, that percentage may be maintained during redevelopment of the property" <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

Finding: The current impervious surface equals 5,278 square feet or 24% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces.

Mr. Arnold E. Jablon
April 29, 1993
Page 3

The proposed addition will increase the impervious surfaces to 5,722 square feet or 26% of the lot. Therefore, in order to comply with the above policy impervious surface equal to the amount of the proposed addition must be removed from the property.

4. **Regulation:** "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell to encourage maximum infiltration. These measures will ensure that the requirement of this regulation are met.

5. **Regulation:** "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: This lot contains and must maintain 15% forested cover, to comply with this regulation. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:tmn

Attachment

cc: Richard and Janice Smith

SMITH/MQBCA

10

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3515 Glenwood Road 21320 see pages 5 & 6 of this ordinance for additional required information

Subdivision name: GLENWOOD (SUDD. OF LOT 21)

plat book: 102, sheet 1, section 1

OWNER: Richard C. Perry & Janis Ann Smith

LOCATION INFORMATION

Section: 15

County: Dakota District: 5

NE 3-K

Zone: DR 55

Lot area: 51,224.00

SEWER: ☐ WATER: ☐

Chippewa Bay Critical Area: ☐

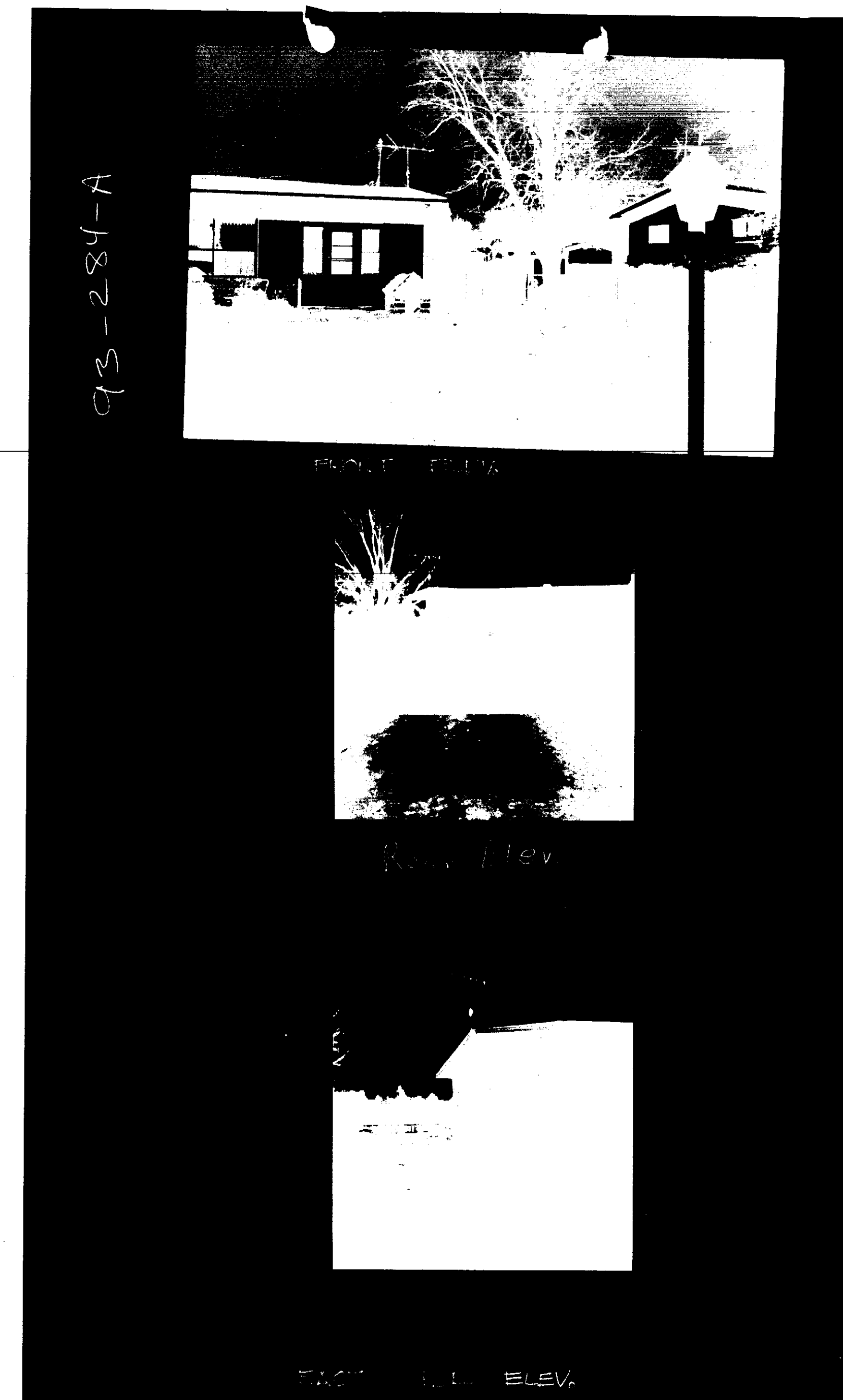
Prior Zoning Hearings: ☐

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:

R.T. 294

Scale of Drawing: 1" = 50'





93-284-A BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

BOWLEYS
QUARTERS

SHEET

N.E.
3-K